

IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO.200 OF 2007

Dated : January 25, 2007

Between:

Smt. Quamar Sultana

Petitioner

AND

The Superintendent of Police,
Cherlapally Central Jail,
Rangareddy District and others

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO.200 OF 2007

ORAL ORDER: (per **THE HON'BLE SRI JUSTICE D.S.R.VARMA**)

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a telegram, dated 21.12.2006, by one Smt. Quamar Sultana, W/o. Mohd. Akbar, R/o. H.No.18-7-423/B/952, Talabkatta, Hyderabad, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, complaining that her husband, who is an under trial prisoner in S.C.No.506 of 2006 and lodged in Cherlapally Central Jail, is being tortured by the

Deputy Superintendent, Jailors, etc., without any reason; that she apprehends danger to the life of her husband and requests to shift him to Gandhi Hospital for treatment, vide M.L.C.No.29362, dated 05.12.2006.

3. In pursuance of the notice, issued by this Court, the Superintendent, Central Jail, Cherlapally, Ranga Reddy District, filed counter-affidavit stating, *inter alia*, that the husband of the petitioner by name Mohd. Akbar is a convict in three cases and under trial prisoner in some more cases and is presently undergoing imprisonment in Cherlapally Central Jail and that the other allegations in the telegram, dated 21.12.2006, by the petitioner, have been denied. He also gave categorical account of various cases in which the husband of the petitioner has been facing trial. It is further stated in the counter-affidavit that, on one occasion, the husband of the petitioner pushed his left hand into the broken door and inflicted injuries to his left arm with pieces of fiber door and also damaged the washbasin in the bathroom; that the authorities, after noticing his peculiar behaviour, prevented him from inflicting further injuries and causing further damage to the property and that the details of medicines administered are mentioned in the counter affidavit.

4. It is also further stated in the counter-affidavit that, on a petition filed by the petitioner, the IV Addl. Chief Metropolitan Magistrate, Hyderabad, directed the Superintendent, Cherlapally Jail, to take the husband of the petitioner to the hospital for treatment and, consequently, he was taken to Gandhi Medical Hospital and he was treated as an outpatient. The other allegations made against various authorities of the Jail have been denied.

5. Be that as it may, there is no material coming forth or available on record to substantiate the allegations of torture by the Jail authorities. In fact, it is not for this Court to take any decision as regards the request made by the petitioner as to where her husband shall be given treatment or place of shifting, etc., but it is the exclusive realm of the

Jail authorities, depending upon the demeanor, conduct of the convict/under trial prisoner and other circumstances in which he is placed.

6. Having regard to the facts and circumstances, suffice it to close the writ petition with a direction to the Jail authorities to take all necessary steps that are required, in respect of the husband of the petitioner/prisoner by name Mohd. Akbar.

7. With the abovementioned direction, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs..

D.S.R.Varma, J.

P.Lakshmana Reddy, J.

25TH JANUARY 2007
MAS/KRK